

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

PATRICK RAMOND BABER

PLAINTIFF

V.

CASE NO. 5:19-CV-156-KGB-BD

DUSTON DOTSON, *et al.*

DEFENDANTS

ORDER

Patrick Ramond Baber, a pre-trial detainee at the Dallas County Detention Center (Detention Center), filed this civil rights lawsuit without the help of a lawyer under 42 U.S.C. § 1983. (Docket entry #2) Because the complaint was flawed, the Court gave Mr. Baber an opportunity to file an amended complaint. (#5)

Mr. Baber has now filed an amended complaint (#6), which the Court has carefully reviewed. Based on the allegations in the complaint and amended complaint, Mr. Baber has stated: excessive-force claims against Defendants Dotson and T.C. (Doe Defendant); due process claims against Defendants Dotson and T.C.; and a deliberate-indifference claim against Defendant Johnson. Service is now proper for these Defendants.¹

¹ In his original complaint, Mr. Baber named Duston Dotson as the only Defendant and sued him in his official capacity only. Because Defendant Dotson is an employee of Dallas County, and because Mr. Baber failed to allege that he suffered any injury as a result of a county custom or policy, he was instructed to clarify in what capacity he is suing the Defendants. Although Mr. Baber did not identify in what capacity he was suing the Defendants in his amended complaint, the Court will treat Mr. Baber's claims against the Defendants as claims against them in their individual capacities.

The Clerk of Court is directed to prepare summonses for Defendants Dotson, T.C., and Johnson. The United States Marshal is directed to serve these Defendants with summonses and copies of the complaint and the amended complaint (#2, #6), along with any attachments, without requiring prepayment of fees and costs or security. Service for these Defendants should be through the Dallas County Detention Center, Post Office Box 689, Fordyce, Arkansas 71742.

IT IS SO ORDERED, this 20th day of June, 2019.

A handwritten signature in black ink, appearing to read "Peterson", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE